

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GREGORY BENTON,

Plaintiff,

No. 03:13-cv-00613-ST

v.

JOHN DOE 1, in his individual  
and official capacity; JOHN DOE 2,  
in his individual and official capacity;  
LEGACY HEALTH SYSTEM CPC LLC;  
and the CITY OF PORTLAND,

ORDER

Defendants.

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#34) on March 4, 2014, in which she recommends that this Court grant in part and deny in part Defendant City of Portland's motion to dismiss. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,

840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, I find no error.

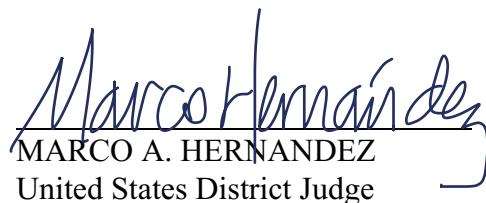
#### CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings & Recommendation [34].

Accordingly, Defendant City of Portland's motion to dismiss [20] is granted in part and denied in part as follows: (1) the Second Claim for Relief is dismissed with prejudice as against the City of Portland and John Doe 2 to the extent he is alleged to be a member of the Portland Police Bureau; and (2) the Third Claim for Relief is dismissed without prejudice and with leave to replead within 30 days after the date of this Order, to either identify the John Doe Defendants or to clarify the specific factual allegations made against a member of the Portland Police Bureau.

IT IS SO ORDERED.

DATED this 7 day of April, 2014.

  
MARCO A. HERNANDEZ  
United States District Judge